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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/665,237

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MARVIN T LING

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01/13/2006

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,237	Applicant(s) LING, MARVIN T	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 1, 11-20 and 30-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 21-29 and 39-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 10/31/2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 8-10, 21-22, 27-29, 39-43 and 45-47 remain rejected under 35 U.S.C. 103(a) as being unpatentable over considered with Williams et al. (US Patent No. 5,815,657) considered with Dorrough et al (US Patent No. 5,287,269).

As per claims 2, 3, 21, 22, 29 and 39, Williams et al teach a user may purchase electronic tokens. See column 17, lines 49-57 of Williams. Williams et al disclose issuing the one or more electronic tokens comprising setting a price for the one or more electronic tokens, the price determined by a vendor. William et al. disclose wherein registering the user with the vendor comprises acquiring personal information (column 11, lines 31-38). Williams et al further teach displaying a number of available electronic tokens in the user account on a computer screen (see column 18, lines 2-12).

The electronic tokens can be used for the payment of an electronic transaction. See column 1, lines 16-26 and column 17, line 49 to column 19, line 3 of Williams et al. Williams et al disclose loading of a user account with electronic tokens or electronic money. Applicant is further directed to column 1, lines 16-26 and column 17, lines 49-57 of Williams et al. A user in the system of Williams et al is allowed to order at least one of a plurality of products or services offered by a vendor. See figures 11-12 and 20 of Williams et al.

Williams et al. do not explicitly state determining whether a user has an account balance exceeding a predetermined amount is performed after registering is completed.

Dorrough et al disclose a system and method for allowing access to events and activities in a particular location. In so doing, Dorrough et al. teach registering a user and opening a user account with a vendor for the user (column 7, lines 7-34) wherein the user account is loaded with available funds to facilitate a financial transaction or conducting commerce transactions with the vendor (column 7, lines 35-67). Dorrough et al further disclose providing credit units or tokens for playing video games. These credit units are contained in a portable medium representing value or monetary value when in contact with an electronic device. Dorrough et al further teach providing products and services that may be purchased (column 6, lines 21-37), through the vendor (such as a recreational area) permitting the user to select a subset of the products and services for purchase (column 8, lines 26-41).

Dorrough et al further teach determining whether the user has an account balance exceeding a predetermined amount sufficient to cover a purchase of at least

one of a plurality of products or services offered by the vendor, wherein determining whether the user has an account balance exceeding a predetermined amount is performed after registering is completed. Applicant is directed to column 10, lines 25-40, column 11, lines 55-67 and column 12, line 53 to column 13, line 7 of Dorrough et al.

The receiving, determining, enabling, transmitting, and delivering are each performed by a vendor server computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the electronic tokens or electronic money of Williams et al with the system of Dorrough et al in order to allow clients to perform convenient cashless transactions as in websites.

As per claim 8, 27, the combination of Williams et al and Dorrough et al disclose presenting the user with descriptions of the plurality of products or services.

As per claims 9 and 28, updating the account balance based on the purchase selection would have been obvious to one of ordinary skill in the art to do in the combination of Williams et al. and Dorrough et al whenever a payment is made from the user's credit data or credit cards for account reconciliation purposes.

As per claim 10, in the combination of Williams et al and Dorrough et al, a user is able to confirm the purchase selection.

As per claim 40, in the combination of Williams et al and Dorrough et al the combined system requests at least one of personal information and payment information from the user.

As per claims 41-43, see the combination of Williams et al. and Dorrough et al.

As per claims 45-47, see the combined teachings of Williams et al. and Dorrough et al.

3. Claims 4 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US Patent No. 5,815,657) considered with Dorrough et al (US Patent No. 5,287,269) as applied to claims 2 and 21 above in view of "AMBALINK UNIVERSAL NEWS SERVICES LIMITED", Universal News Services, PR Newswire, London June 8, 1999.

As per claims 4 and 23, the teachings of Williams et al and Dorrough et al are discussed above. The combined teachings do not explicitly teach the step of "electronically delivering includes transmitting an authorization code". As per this feature, the Ambalink system teaches consumers making online purchases and an authorization code is transmitted to the consumers. See the entire document. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a step or means for transmitting an authorization code to the user as taught by Ambalink into the teachings of Williams et al and Dorrough et al in order to allow a user/purchaser to authenticate a transaction and/or for dispute resolution purposes.

4. Claims 5-7 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US Patent No. 5,815,657) considered with Dorrough

et al. (US Patent No. 5,287,269) as applied to claims 2 and 21 above in view of Friedland et al. (US Patent No. 6,449,601).

The teachings of Williams et al and Dorrough et al. are discussed above. Williams et al and Dorrough et al do not explicitly teach the features of claims 5-7 and 24-26.

As per claims 5, 24, Friedland et al disclose requesting account information from the user if a determination is made that the user has no account that permits the user to conduct electronic commerce transactions with the vendor and receiving the account information from the client device. See column 11, line 39 to column 12, line 41 of Friedland et al.

As per claims 6 and 25, the teachings of Williams et al and Dorrough et al are discussed above. The combined teachings failed to explicitly state the claimed requesting and preventing steps. As per claims 6, 25, Friedland et al disclose preventing the user from viewing a portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has an account balance less than the predetermined amount. Note column 11, line 39 to column 12, line 41.

As per claims 7, 26, Friedland et al disclose preventing the user from viewing a Portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has no account that permits the user to conduct electronic commerce transactions with the vendor. Note column 11, line 39 to column 12, line 41 .

As per claims 5-7 and 24-26, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friedland et al into the combination of Williams et al and Dorrough et al in order to not waste too much time and/or computer resources with users unable to make a particular purchase thus, allocating computer resources to registered users who have sufficient funds to cover a particular transaction.

REMARKS:

5. Applicant's representative has provided a brief description of the system of Williams and Dorrough et al and concludes that the combination of Williams et al and Dorrough et al would only provide a system in which a user requests access to an activity by sliding an access card through a card reader provided at an access station.

In response, Williams et al are directed to an authorized payment system in which a user may use an electronic monetary system which emulates a wallet or card for the payment of a good/service. Dorrough et al are directed to a system and method in which a customer registers for an access card having funds or credit limits stored therein for enabling the customer to access different games or activities at amusement parks. Williams et al. do not explicitly state determining whether a user has an account balance exceeding a predetermined amount is performed after registering is completed. Dorrough et al disclose a system and method for allowing access to events and activities in a particular location. Dorrough et al. teach registering a user and opening a user account with a vendor for the user (column 7, lines 7-34) wherein the user account

is loaded with available funds to facilitate a financial transaction or conducting commerce transactions with the vendor (column 7, lines 35-67). Dorrough et al further disclose providing credit units or tokens for playing video games. These credit units are contained in a portable medium representing value or monetary value when in contact with an electronic device. Dorrough et al further teach providing products and services that may be purchased (column 6, lines 21-37), through the vendor (such as a recreational area) permitting the user to select a subset of the products and services for purchase (column 8, lines 26-41). Dorrough et al further teach determining whether the user has an account balance exceeding a predetermined amount sufficient to cover a purchase of at least one of a plurality of products or services offered by the vendor, wherein determining whether the user has an account balance exceeding a predetermined amount is performed after registering is completed. Applicant is directed to column 10, lines 25-40, column 11, lines 55-67 and column 12, line 53 to column 13, line 7 of Dorrough et al.

Thus, Dorrough et al have been applied to denote teachings of “determining whether a user has an account balance exceeding a predetermined amount is performed after registering is complete” not to providing access to an access station. Therefore, the combination of Williams et al and Dorrough et al. would not result in a system in which a user requests access to an activity by sliding an access card through a card reader provided at an access station as the applicant argues. Combining the teachings of Williams et al and Dorrough et al result in the claimed invention as discussed above.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant then argues that assuming Williams et al and Dorrough et al are properly combined, the references would lack "electronically delivering the purchase selection to the user". The Examiner disagrees. It is not clear whether the applicant is arguing a lacking of teaching of "electronically delivering the purchase..." or "the purchase selection" in the combined teachings. However, the Examiner asserts that prior to the applicant's invention, it is well known in the art to buy online books, music, videos or software(s) that are delivered online to an online purchaser. Electronically delivering the purchase to the user would have been obvious to do in the combination of Williams et al and Dorrough et al in order to provide the user or customer with instant access of his/her purchased item.

Steps of electronically delivering the purchase selection to the user are taught by Williams et al (see column 18, lines 31-55, figure 5 of Williams et al.).

Applicant then argues that neither Friedland nor Ambalink cures the deficiencies of Williams et al and Dorrough et al.

In response, the Ambalink reference has been applied to denote the teachings of claims 4 and 23, and the Friedland reference has been applied for the teachings of features of claims 5-7 and 24-26.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
January 3, 2006